

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JAMES R. WEBB, JR.,

Plaintiff,

v.

JESSE YOUNG and MR. PRUSODGICH,

Defendants.

Case No. 16-cv-1284-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 43) of Magistrate Judge Donald G. Wilkerson recommending that the Court dismiss this action with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for lack of prosecution. No party has objected to the Report.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjectionated portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, with the exception of dismissing this case without prejudice instead of with prejudice as recommended by Magistrate Judge Wilkerson, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 43);
- **DISMISSES** this case **without prejudice** pursuant to Federal Rule of Civil Procedure

41(b) for failure to prosecute; and

- **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: May 8, 2018

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE